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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,270	03/03/2004	Masaaki Nomura	100598.53322US	8940

23911 7590 11/24/2008
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

AHMED, HASAN SYED

ART UNIT	PAPER NUMBER
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1615

MAIL DATE	DELIVERY MODE
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11/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Receipt is acknowledged of applicants' response, filed on 12 August 2008.

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Response to Amendment

The reply filed on 12 August 2008 is not fully responsive to the Office action dated 23 June 2008 because of the following matter (See 37 CFR 1.111):

Applicants were required to elect one penem antibiotic fill from a-f (Species I) AND one penem antibiotic species from a and b (Species II). In other words, applicants must elect one of:

- claim 9, or claim 10, or claim 12, or claim 14, or claim 21, or claim 23 (Species I) AND one of:
- claim 16 or claim 17 (Species II).

In the response dated 12 August 2008, applicants elected only a penem antibiotic (Species II - claim 17), not a penem antibiotic fill (Species I).

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HASAN S. AHMED whose telephone number is (571)272-4792. The examiner can normally be reached on 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward can be reached on (571)272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. S. A./
Examiner, Art Unit 1615

/Humera N. Sheikh/
Primary Examiner, Art Unit 1615